

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS**

**August 25, 2009**

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting of the Midlothian City Council, to be held in the Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas

**REGULAR AGENDA 6:00 PM**

Call to Order, Invocation and Pledge of Allegiance

2009-292 Citizens to be Heard

2009-293 Announcements/Presentations

- a. Community Affairs calendar
- b. Administer Oath of Office to new police officer, William Kyle Boyd
- c. Communities in Schools presentation
- d. Honor Flight presentation
- e. Administrative Announcements related to personnel

**CONSENT AGENDA**

*All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion without separate discussion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

2009-294 Consider and act upon minutes from City Council meeting of August 11 and Joint Meeting of August 18, 2009

2009-295 Consider and act upon an ordinance repealing Ordinance No. 93-05 in its entirety and establishing no parking, stopping, or standing of vehicles on either side of the roadway along the U.S. Highway 67 access roads from U.S. Highway 287 north to Shiloh Road, in the City of Midlothian, Ellis County, Texas; providing for the erection of appropriate signs; providing for a repealing clause; providing for a penalty clause; providing for a severability clause; and providing for an effective date

2009-296 Consider and act upon an ordinance repealing Ordinance No's. 580, 93-04, 95-08, and 2006-06 in their entirety and establishing no parking, stopping, or standing of vehicles on either side of the roadway along Main Street (U.S. Highway 287 Business) from Midlothian Parkway westward to U.S. Highway 287 (both directions), in the City of Midlothian, Ellis County, Texas; providing for the erection of appropriate signs; providing for a repealing clause; providing for a penalty clause; providing for a severability clause; and providing for an effective date.

2009-297 Consider and take action upon a resolution to approve the City of Midlothian's Investment Policy for the Fiscal Year 2009-2010

2009-298 Consider and act upon a request to amend the City's adopted Certification Pay Program Schedule

2009-299 Consider and act upon resignation from Councilmember Place 1 R.J. "Dusty" Fryer

2009-300 Consider and act upon an Ordinance calling for an election to be held to elect a Councilmember to fill the unexpired term of Councilmember Place 1; defining the term of office; designating the polling location; designating the election judge and providing for clerical personnel; designating the time and place; providing for a run-off election; and providing for the filing of applications for the official ballots for said election

- 2009-301 Consider and act upon a Services Agreement with Jones Lang LaSalle Brokerage, Inc., to represent the City of Midlothian in the determination and implementation of the best possible real estate locations for park sites and any additional land needed for the City

### **PUBLIC HEARINGS**

- 2009-302 Conduct a public hearing regarding the proposed FY 2009-2010 Annual Operating Budgets for the City of Midlothian
- 2009-303 Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended, adding Section 13 (Sustainable Development), and, any other corresponding deletions or changes to various sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. CP02-2008-40)
- 2009-304 Conduct a public hearing to consider and act upon an ordinance amending the City's Zoning Ordinance, Ordinance No. 89-13, as amended, amending Article III, Section 3.1 (Definitions), Article IV, Section 4.4 (Use Table), and Article XIII (Commercial Communications Towers) to allow wind energy turbines and towers, and, any other corresponding deletions or changes to various sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date. This amendment is primarily designed to regulate small domestic wind energy systems. (Case No. OZ07-2008-27)

### **REGULAR AGENDA**

- 2009-305 Consider and act upon 2009 property tax abatements for Toys "R" Us, Target, and Ennis Business Forms

### **EXECUTIVE SESSION**

*Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).*

1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 75885, City of Midlothian v. Randall Denton and Musket Corporation, pursuant to attorney's ethical duty to advise City regarding such matters
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
4. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for utility, roadway and parks improvement projects
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 71-181-00458-08, City of Midlothian and County of Ellis v. Kehe Foods

### **REGULAR AGENDA**

- 2009-306 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2009-307 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-308 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-309 Action resulting from Executive Session, Item #4, Utility, Roadway and Parks Projects
- 2009-310 Action resulting from Executive Session, Item #5, Kehe Foods
- 2009-311 Adjourn

I, Tammy Varner, Deputy City Secretary of the City of Midlothian, Texas, do hereby certify that this Notice of Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 21st day of August, 2009, at or before 5:00 p.m.

  
Tammy Varner, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available.  
Requests for reasonable accommodations must be made 48 hours prior to this meeting.  
Please contact the City Secretary at 775-3481 for further information.**